

EINBINDER & DUNN, LLP  
ATTORNEYS AT LAW  
104 WEST 40<sup>TH</sup> STREET  
NEW YORK, NY 10018  
(212) 391-9500

www.ed-lawfirm.com

MICHAEL EINBINDER  
TERRENCE M. DUNN\*  
JULIANNE COWAN LUSTHAUS°

STEPHANIE J. BLUMSTEIN\*  
RICHARD BAYER<sup>Δ</sup>  
MACKENZIE L. DIMITRI

KENNETH L. LEIBY, JR.<sup>Δ</sup>, of counsel  
RICHARD L. HERZFELD, of counsel

\*MEMBER NY, NJ and MA BARS

°MEMBER NY, NJ and NH BARS

<sup>Δ</sup>MEMBER NY and NJ BARS

WESTCHESTER OFFICE:

777 WESTCHESTER AVENUE, SUITE 101  
WHITE PLAINS, NY 10604  
TELEPHONE: (914) 705-5417

NEW JERSEY OFFICE:

159 MILLBURN AVENUE  
MILLBURN, NEW JERSEY 07041  
TELEPHONE: (973) 921-2000

Sender's Email: ME@ed-lawfirm.com

February 24, 2014

**VIA ECF**

Hon. Joanna Seybert  
United States District Judge  
Eastern District of New York  
100 Federal Plaza  
Central Islip, New York 11722

**Re: 7-Eleven, Inc. v. Suneil Minhas, No. 11-5455 (E.D.N.Y.)**

Dear Judge Seybert:

We represent the defendant/counterclaim plaintiff Suneil Minhas ("Minhas") in the above-referenced action and submit this letter to request that the stay on the joint pretrial order and final pretrial conference be lifted. Plaintiff and defendant consent in this request.

As you know, on May 15, 2013, and again on September 18, 2013, the parties appeared before this court for a pre-motion conference on plaintiff's proposed motion for summary judgment. As the parties were engaged in settlement discussions, the court elected not to set a briefing schedule. After the September 18, 2013 pre-motion conference, an order was entered staying the joint pretrial order filing and final pretrial conference scheduled by Magistrate Judge Tomlinson, and further ordering that a briefing schedule be set in January of 2014 if the case did not settle. Since that time, the parties have engaged in mediation and settlement discussions. Unfortunately, no settlement has been reached at this time.

7-Eleven has decided not to file a motion for summary judgment. Thus, there is no need for the court to set a briefing schedule. Accordingly, the parties join in this request for the court to lift the stay on the joint pretrial order and final pretrial conference, so that this case can proceed to trial without further delay.

*7-Eleven, Inc. v. Suneil Minhas*, No. 11-5455 (E.D.N.Y.)

February 24, 2014

Page 2 of 2

Respectfully submitted,

/s/ *Michael Einbinder*

Michael Einbinder

Copy to:

Steve Sussman (via ECF)

Susan Metcalfe (via ECF)